



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,462	08/12/2005	Henrik Holter	43327-212567	4516

26694 7590 12/29/2006
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

WIMER, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

2821

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/520,462

Applicant(s)

HOLTER, HENRIK

Examiner

Michael C. Wimer

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-34 is/are allowed.
- 6) ☒ Claim(s) 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 35,36,38,40,42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Svy (4786911).

Regarding Claims 35,38,40,42 and 45, Svy shows in Figure 2, an antenna radiating element suitable for incorporation in an electrically controlled broadband group antenna, the element 24,28, defining a plurality, comprises a rotationally-symmetrical body 32,36 tapering towards one end and covered with a metallic casing surface 30,34, all arranged as claimed. Regarding Claim 36, the paragraph bridging columns 7 and 8 points out a bond or attachment for the body.

3. Claims 35,38,40 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda et al (6593892).

Regarding Claims 35,38,40 and 45, Honda et al teach the use of a plated conductive surface over dielectric (col. 3, lines 5-14) in defining the antenna as a rotationally-symmetrical body, conically-shaped and tapering, made of homogenous, aluminum material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36,37,41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svy (4786911), or Honda et al (6593892), in view of Jarvis (2532551).

Svy is cited as showing the basic antenna as set forth above, but does not appear to teach means for removably attaching the body, comprising a screw connection at the second end thereof. Thus, Jarvis is cited as evidence of obviousness and as resolving the level of ordinary skill in the antenna art and shows screws at the outer, second ends of the body 12,13,14,15,23. It would have been obvious to the skilled artisan to employ such fastening means, along with the circular spacing sleeve 22, in either the Svy antenna or the Honda et al. antenna in order to provide additional support and environmental protection.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svy (4786911), or Honda et al (6593892), in view of Jarvis (2532551) as applied to claim 35 above, and further in view of Hart (6486846).

The use of a circular paraboloid as the body is an obvious shape for a bicone antenna such as shown in the primary reference devices. A skilled artisan would have found it obvious to employ the paraboloid 430 in Fig. 4 of Hart as the body when a particular beam direction is desired.

7. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svy (4786911), or Honda et al (6593892), in view of Jarvis (2532551) as applied to claims 35 and 43 above, and further in view of Josypenko (6268834).

Regarding Claim 44, Josypenko shows inductive shorts or a cable bush 22-25 connecting the outer, second ends of the body for routing a cable along the outer rim. It would have been obvious to employ a cable bush 22-25 with a bore opening along the axis, and a radially-extending opening (a half-moon configuration or channel for the cable) along with the dielectric spacing sleeve of Jarvis in the primary reference devices.

Allowable Subject Matter

8. Claims 22-34 are allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael C. Wimer
Primary Examiner
Art Unit 2821

MCW
12/13/2006